

December 12, 2017

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of the
Personal Restraint Petition of

SCOTT ALLEN BOWLER

No. 50558-4-II

UNPUBLISHED OPINION

BJORGEN, C.J. — Scott Bowler seeks relief from personal restraint resulting from his 2016 plea of guilty to second degree burglary. We grant the petition in part and deny the remainder.

In Bowler’s judgment and sentence, the trial court found that Bowler “is indigent and disabled and is not anticipated to be able to pay financial obligations in the future.” Resp. to Personal Restraint Pet., App. A, at 4. The trial court then imposed the following legal financial obligations (LFOs): \$500 victim assessment, \$100 domestic violence assessment, \$200 criminal filing fee, and \$100 deoxyribonucleic acid (DNA) collection fee.

Bowler argues that the trial court erred in imposing any LFOs because of his physical disabilities and his lack of vocation. But the victim assessment, criminal filing fee, and DNA collection fee are mandatory LFOs that the trial court must impose. *State v. Clark*, 191 Wn. App. 369, 373, 362 P.3d 309 (2015). As to domestic violence assessment, the State concedes that it is a discretionary LFO and that the trial court erred in imposing it. We accept the State’s concession.

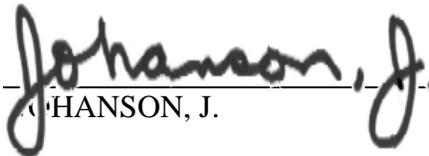
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We grant Bowler's petition in part and remand to the trial court for correction by striking the \$100 domestic violence assessment from Bowler's judgment and sentence. As to the mandatory LFOs, we deny the petition.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.


BJORGE, C.J.

We concur:


JOHANSON, J.


SUTTON, J.